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Algeria,* Azerbaijan,* Bangladesh, Maldives,* Nigeria, Pakistan,* [1] Saudi Arabia, Senegal,* Sudan,* Turkey:* draft resolution

S-27/... Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and their Optional Protocols, as well as the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international human rights law,

Recalling the General Assembly resolutions on the situation of human rights in Myanmar, and the most recent text adopted by the Third Committee on 16 November 2017, as well as those of the Human Rights Council, the most recent of which being resolution 34/22 of 24 March 2017, in which the Council decided to dispatch urgently an independent international fact-finding mission to establish the facts and circumstances of the alleged recent human rights violations and abuses, and Council decision 36/115 of 29 September 2017, in which the Council extended the mandate of the fact-finding mission until its thirty-ninth session, and reaffirming Council resolution 29/21 of 3 July 2015,

Recalling also the statement by the President of the Security Council of 6 November 2017,[2]

Stressing that States have the primary responsibility for the respect, promotion and protection of human rights,

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* State not a member of the Human Rights Council.

[1] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation.

[2] See S/PRST/2017/22.

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Noting the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes as stipulated in Chapter VIII of the Charter,

Expressing grave concern at the recent reports of serious violations and abuses of human rights in Myanmar, in particular in Rakhine State, as well as in Kachin State and northern Shan State,

Recalling the reports of the Special Rapporteur on the situation of human rights in Myanmar, including the report submitted to the Council at its thirty-fourth session[3] and the report submitted to the General Assembly at its seventy-second session,[4] welcoming the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to some parts of the country in June and July 2016, January 2017 and, most recently, July 2017, and echoing her concerns regarding limitations on access,

Welcoming the oral update presented to the Human Rights Council by the fact-finding mission in September 2017,

Noting with deep concern the flash report of the Office of the United Nations High Commissioner for Human Rights dated 3 February 2017, entitled "Interviews with Rohingyas fleeing from Myanmar since 9 October 2016", prepared following a mission by the Office to Bangladesh, and its report dated September 2017, entitled "Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh",

Alarmed by the statements and reports from the United Nations system on grave human rights violations and abuses carried out in a systematic, targeted and deliberate manner by security forces assisted by non-State actors in Rakhine State through the disproportionate use of force, extrajudicial and summary killings, including of children, sexual violence, including rape, indiscriminate firing of weapons and the planting of landmines, the destruction of property, livelihoods and futures, disappearances, torture and other cruel, inhuman or degrading treatment or punishment, attacks on places of worship and religious intolerance, resulting in large-scale forced displacement and indicating the very likely commission of crimes against humanity,

Acknowledging the urgent need to restore law and order, peace and security to protect all civilians, including individuals in a vulnerable situation, from any harm or acts of reprisal,

Highly alarmed at the outbreak of violence in Rakhine State in October 2016 and August 2017 that caused the displacement of hundreds of thousands of Rohingya civilians to Bangladesh, bringing the total to more than 600,000 Rohingyas, mainly women, children and the elderly, who have joined the hundreds of thousands of those among the Rohingya population previously displaced from Myanmar to Bangladesh that had fled violence in Myanmar in phases over the years,

Noting with deep concern that, according to the United Nations Children's Fund, nearly 60 per cent of the Rohingya population who have been forced to flee to Bangladesh are children, and that a large number of those children are unaccompanied, separated or orphaned,

Concerned that, despite the fact that the Rohingya population, especially Muslims, had been living in Myanmar for generations prior to its independence and have no ties to anywhere but Myanmar, they have been made stateless since the enactment of the 1982 Citizenship Law and since then have been subjected to restrictions on access to education,

[3] A/HRC/34/67.

[4] A/72/382.

health services and livelihoods, underscoring that the lack of citizenship status and related civil and political rights of Rohingya Muslims and others, including voting rights, is a serious human rights violation,

Welcoming the formation by the Government of Myanmar of the Advisory Commission on Rakhine State, chaired by Kofi Annan,, which submitted its final report in August 2017,[1] and the commitment of the Government of Myanmar to implementing the Commission's recommendations and addressing the underlying causes of the situation in Rakhine State,

Noting that the Government of Myanmar has established an investigation commission, led by Vice-President U Myint Swe, and encouraging the publication of a credible, independent and impartial investigation report on allegations of human rights violations without delay,

Noting with serious concern reports of incitement to racial or religious hatred leading to violence, including the fuelling of intercommunal tension in central Rakhine State, and calling upon the Government of Myanmar to take all measures necessary, while fully respecting human rights and fundamental freedoms, to combat any incitement to hatred, tension or violence by publicly condemning such acts, and welcoming the Government s efforts to promote interfaith dialogue in the country,

Noting those developments in Myanmar that contribute positively towards political and economic reform, democratization, national reconciliation, good governance and the rule of law and the efforts made to respect, protect and fulfil human rights and combat corruption, and encouraging the Government of Myanmar to take further steps to address outstanding concerns, in particular those reflected in the present resolution as well as in Human Rights Council resolution 34 22,

Noting also the bilateral instrument entitled "Arrangement on return of displaced persons from Rakhine State", recently concluded between Bangladesh and Myanmar,

Deeply concerned by the current climate of non-cooperation with United Nations and international non-governmental organizations, including international humanitarian actors, as demonstrated by government restrictions on access to northern Rakhine State and the recent attempts by local mobs to prevent urgent aid from reaching those in need, and by the fact that humanitarian access remains restricted in Rakhine State and is discriminatory against the Rohingya community,

Alarmed by the significant impact of the huge Rohingya influx towards Bangladesh, in the form of socioeconomic and demographic pressure, as well as insecurities related to the potential radicalization to violence of the community,

Highly appreciating the generosity shown by the Government and the people of Bangladesh even under difficult circumstances, by affording temporary shelter, humanitarian assistance and protection to the forcibly displaced Rohingya population,

Deeply concerned over the restrictions on freedom of movement of the persons belonging to the Rohingya Muslim community and other minorities throughout Rakhine State, including the confinement of approximately 120,000 people in camps for internally displaced persons, most of whom without access to livelihoods,

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[1] Advisory Commission on Rakhine State, "Towards a peaceful, fair and prosperous future for the people of Rakhine" (August 2017). Available at www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

Recalling that in its resolution 34/22 the Human Rights Council established the independent international fact-finding mission, and in its decision 36/115 extended the mandate of the mission, deeply concerned at the lack of cooperation by the Government of Myanmar with, and denial of access to, the fact-finding mission, which hinders independent, fair and credible investigation of allegations of human rights violations and abuses,

1. *Strongly condemns* the alleged systematic and gross violations of human rights and abuses committed in Myanmar, in particular in Rakhine State, notably against persons belonging to the Rohingya Muslim community and other minorities, including women and children;

2. *Condemns* the attacks against Myanmar police and military posts carried out on 25 August 2017 and all acts of violence against the security forces, and stresses that the challenges facing Rakhine State and other areas in Myanmar can be resolved only through peaceful means;

3. *Calls upon* the Government of Myanmar to ensure the protection of the human rights of all persons in Myanmar, including persons belonging to the Rohingya Muslim community and other minorities;

4. *Urges* the Government of Myanmar to take all measures necessary to prevent the destruction of places of worship, cemeteries, infrastructure, and commercial and residential buildings belonging to all people, and to facilitate the rebuilding of those that have already been destroyed;

5. *Calls upon* the Government of Myanmar to take all measures necessary to provide justice to victims, ensure the full accountability of perpetrators and end impunity for all violations and abuses of human rights, including, in particular, those perpetrated against persons belonging to the Rohingya Muslim community and other minorities, by facilitating a full, transparent and independent investigation into the reports of all violations and abuses of human rights and violations of international humanitarian law when applicable;

6. *Expresses grave concern* at consistent allegations of widespread sexual violence, including rape and gang rape, and calls for those allegations to be investigated, for those found responsible to be held to account, and for access by victims of human rights violations, including victims of rape and other forms of sexual violence, killings and other attacks, to long-term health services and psychosocial support to be ensured;

7. *Strongly calls* upon the Government of Myanmar to cooperate fully with the fact-finding mission established by the Human Rights Council in its resolution 34/22 and to grant unfettered access to the fact-finding mission, other human rights mechanisms and the United Nations, and to ensure that individuals have unhindered access to and can communicate with the United Nations and other human rights entities, without facing acts of reprisal, intimidation or attacks or any other type of harassment, or the fear thereof;

8. *Expresses deep concern* that humanitarian access remains severely restricted in northern Rakhine State and unpredictable in other parts of Rakhine State;

9. *Urges*, while noting the initial steps taken by the Government of Myanmar and humanitarian agencies to provide assistance to individuals in Rakhine State, the Government of Myanmar to allow full, immediate, safe, unconditional and unhindered access for the United Nations agencies and other international humanitarian actors, including regional organizations such as the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, to carry out needs assessments and to resume delivery of primary and life-saving humanitarian assistance to all affected persons and communities without discrimination throughout Myanmar, and particularly in Rakhine State, including northern and central Rakhine State;

10. *Highly appreciates* the efforts of the Government of Bangladesh, strongly supported by the international community, to provide safety and assistance for those who have fled violence, and encourages the Government of Bangladesh to continue those efforts until conditions in Myanmar are conducive to the safe, voluntary, sustainable and dignified return of those who have fled violence;

11. *Urges* the Government of Myanmar to immediately address the conditions that lead to mass displacement, including lack of safety and security, to restore food security, access to livelihoods, inclusion and public safety, and to ensure respect for the human rights of the Rohingya population in northern Rakhine State in order to take steps to create an atmosphere conducive to the safe, voluntary, dignified and sustainable return to their places of origin in Myanmar of those who have been forcibly displaced, by ensuring that their human rights, including freedom of movement, will be fully respected and by creating the right conditions for them to return to their homes and resume their livelihood activities and income generation without fear, discrimination or restrictions;

12. *Calls upon* the Government of Myanmar to ensure, in conjunction with international partners and in accordance with international law, the safe, dignified, voluntary and sustainable return to their ancestral land in Myanmar of all displaced Rohingyas, including refugees and internally displaced persons, and to ensure the human rights of those who return;

13. *Also calls upon* the Government of Myanmar to immediately start a process for the expeditious verification of refugees and forcibly displaced persons in a time-bound manner that accommodates many refugees' and forcibly displaced persons' lack of documentation;

14. *Welcomes* the public commitment of the Government of Myanmar to implement the recommendations of the Advisory Commission on Rakhine State to the fullest extent and urges the Government to implement them swiftly and in their entirety, to allow reconciliation in Rakhine State and to commence a process of inclusive development meaningful for all communities, and notes the establishment of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine;

15. *Calls upon* the international community and regional organizations to provide support, including humanitarian and development assistance, to the Government of Myanmar for the implementation of the recommendations of the Advisory Commission on Rakhine State, including recommendations regarding an inclusive and transparent citizenship verification process, the provision of documentation for non-citizens and their equal access to essential social services, including education, health care and freedom of movement, and on finding sustainable solutions in building intercommunal harmony towards lasting peace, stability and prosperity for the benefit of the whole population, and calls upon the Government of Myanmar to provide unhindered access for such humanitarian assistance;

16. *Encourages* the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to the forcibly displaced Rohingya Muslims and other minorities until their return to their places of origin in Myanmar and to assist Myanmar in the provision of humanitarian assistance to affected persons of all communities displaced internally within Rakhine State, taking particular account of the vulnerable position of women and children;

17. *Calls upon* the Government of Myanmar to address the root causes of the Rohingya crisis, including by addressing the issue of the statelessness of the Rohingya population by ensuring their equal access to full citizenship and related rights, including civil and political rights, and, to those ends, to amend the 1982 Citizenship Law to ensure its conformity with universally recognized principles and to restore the citizenship of the Rohingya population through an open, fast, voluntary and transparent process of national verification based on

past census and other data that leaves no individual unregistered nor hinders their access to essential social services, including education and health care, and, in the event of any dispute, involving independent national and international observers for transparency and accountability;

18. *Also calls upon* the Government of Myanmar to take all measures necessary, while fully respecting human rights and fundamental freedoms, to counter any incitement to hatred or violence by publicly condemning such acts and holding those who conduct such acts accountable under criminal law, and acknowledges the Government's efforts to promote interfaith dialogue in the country;

19. *Encourages* further efforts to promote intercommunal interfaith dialogue in order to de-escalate tension and foster peaceful coexistence among all ethnic and religious groups in Myanmar;

20. *Calls upon* the Government of Myanmar to cooperate with and assist the relevant special procedure mandate holders in the discharge of their respective mandates, to provide them with all necessary information requested by them and to give serious consideration to responding favourably to their requests to visit the country in order to enable them to fulfil their duties effectively in the context of the human rights situation of the Rohingya population;

21. *Requests* the United Nations High Commissioner for Human Rights to track progress concerning the human rights situation of Rohingya people, and to provide oral updates, followed by an interactive dialogue, at the thirty-eighth, forty-first and forty-fourth sessions of the Human Rights Council, with a view to reaching a comprehensive solution of the crisis within three years through the full implementation of the present resolution and Council resolution 34/22;

22. *Also requests* the High Commissioner to prepare a comprehensive written report on the situation, including on the level of cooperation and access given to the fact-finding mission and other United Nations human rights mechanisms, the implementation of the present resolution, the findings and recommendations of the United Nations system on the situation of human rights of Rohingya people in Rakhine State and recommendations on a future course of action, to present the report to the Human Rights Council at its fortieth session, and to submit the report to the General Assembly for its consideration;

23. *Decides* to remain seized of the matter.